THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19096 OF 2007

DATED: 13-09-2007

BETWEEN

Y. Pedda Venkata Reddy,
S/o. Late Sunki Reddy,
R/o. Thummalla Village,
Vaddepalle Mandal,
Mahabubnagar District.

...PETITIONER

AND

The District Collector,
Mahabubnagar District,
Mahabubnagar and others.

...RESPONDENTS

ORDER:

Petitioner submits that originally his father purchased an extent of Ac.25.10 guntas of land in Sy.No.235 and an extent of Ac.13.27 guntas in Sy.No.236 situated at Thummalla village, Vaddepalle Mandal, Mahabubnagar District in the auction conducted by the Government after paying the entire sale consideration and possession was also delivered to his father being the auction purchaser.

After the death of his father in 1975, he succeeded to the said property and started enjoying the same without any interruption whatsoever. While so, one B. Siva Reddy claiming to be the legal heir of the original owners filed a suit in O.S.No.34 of 1997 on the file of the Senior Civil Judge, Gadwal for declaration and possession against the petitioner, the Government/District Collector and others.

The suit was dismissed after contest by judgment and decree dated

03.01.2002 and an appeal is pending on the file of this Court.

2. Petitioner further submits that, while so, when the respondents herein attempted to interfere with his peaceful possession and enjoyment over the said lands, he got issued a legal notice to the respondents on 10.10.2005. He further submits in spite of the said legal notice, the respondents are again making attempts to dispossess him from the said lands, therefore, he seeks a Writ of Mandamus to direct the respondents not to make any attempts to dispossess him from the said lands in question and not to make any attempts to distribute the said lands among the landless poor.

3. Learned Government Pleader appearing for the respondents, on instructions, submits that the respondents never made any attempt to interfere with the peaceful possession and enjoyment of the petitioner over the said lands and that they have no intention to distribute the said lands to the landless poor. He further submits that if the said lands are required, the same would be acquired by initiating the land acquisition proceedings, but without following due process of law, the petitioner would not be dispossessed.

4. Having regard to the facts and circumstances of the case, the respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioner over the said lands without following due process of law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

September 13, 2007
DSK